

82^D CONGRESS
2^D SESSION

S. J. RES. 122

IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 10), 1952

Mr. McCARRAN introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

JOINT RESOLUTION

To impose limitations with regard to Executive agreements.

Whereas a treaty or an Executive agreement may be abrogated or superseded by a subsequent Act of Congress; and

Whereas the right of Congress to set aside or vacate a treaty was recognized early by the Supreme Court; and

Whereas Executive agreements entered into by the President other than those limited specifically under certain circumstances to the exercise of his diplomatic powers also may be vacated by inconsistent legislation enacted by the Congress; and

Whereas there is a present tendency to use Executive agreements rather than submit the international undertaking to the Senate in accordance with the constitutional requirements; and

Whereas agreements requiring secrecy should be submitted to

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the Senate as treaties in accordance with the constitutional requirements; and

Whereas other agreements to be binding should be published; and

Whereas it is not only desirable but necessary that certain powers and duties of the Congress with regard to agreements and treaties be specifically exercised in a manner which will give notice to persons and nations entering into agreements with the United States and will thereby prevent future disputes: Therefore be it

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

3 That all Executive or other agreements entered into by the
4 President with foreign governments or officials thereof, other
5 than treaties submitted to the Senate in accordance with the
6 requirements of the Constitution, shall be subject to the fol-
7 lowing reservations and limitations:

8 (1) They shall be of no force or effect either as laws
9 or as authorizations until and unless they shall have been
10 published in full in the Federal Register;

11 (2) They shall be subject to such legislative action as
12 the Congress, in the exercise of its constitutional powers,
13 shall deem necessary or desirable; and

14 (3) They shall be deemed to terminate not later than
15 six months after the end of the term of the President during

1 whose tenure they were negotiated, unless extended by
2 proclamation of the succeeding President.

3 SEC. 2. Hereafter agreements or compacts entered into
4 by the President with foreign governments or officials there-
5 of requiring secrecy shall be submitted to the Congress as
6 treaties in accordance with the requirements of the Con-
7 stitution, otherwise they shall be of no force or effect except
8 as personal undertakings of the President.

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